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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,220	01/16/2004	Tatsuya Mitsugi	Q79265	5741
23373 7590 02/02/2009 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER WHIPPLE, BRIAN P				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/758,220

Applicant(s)

MITSUGI ET AL.

Examiner

BRIAN P. WHIPPLE

Art Unit

2452

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date 12/17/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-18 are pending in this application and presented for examination.
2. In view of the appeal brief filed on 11/19/08, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

***.

Response to Arguments

3. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by CESAR et al. (Cesar), U.S. Publication No. 2001/0042113 A1.

6. As to claim 1, Cesar discloses an information transmission apparatus (Abstract; [0029]) comprising:

request analyzing means for receiving an instruction including both a request for transmission of specific information ([0005]; [0008]; [0029]) and an identifier from one of a plurality of information processing apparatus connected with said information transmission apparatus ([0029]), said identifier identifying said information processing apparatus that has made the transmission request ([0005]; [0029]) and said plurality of information processing apparatus having their respective identifiers ([0029]), and for analyzing the specific

information to be transmitted and the identifier associated with said instruction ([0008] – [0010]; [0029]);

storage means for storing array data indicating a correspondence between one of a plurality of different pieces of information to be transmitted and at least an identifier identifying one of said plurality of information processing apparatus ([0029]);

information adding means for adding the identifier associated with said instruction to the specific information associated with said instruction by referring to said storage means based on analysis results from said request analyzing means ([0029]);

information transmission means for transmitting the specific information to which the identifier is added to the information processing device which has provided said instruction to said information transmission apparatus ([0029]).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-18 are rejected under 35 U.S.C. 103(a) as obvious over Blahut, E.P.

Publication No. 1,071,288 A2, in view of what was well known in the art, support provided by Magendanz et al. (Magendanz), U.S. Patent No. 7,136,042 B2, and further in view of Cesar.

9. As to claim 1, Blahut discloses an information transmission apparatus (Fig. 3, items 106 and 309; [0012], ln. 1-5; [0019], ln. 1-8; Col. 8, ln. 11-15; The ONU 106 transmits television programs via the RF Combiner 309.) comprising:

request analyzing means for receiving an instruction including both a request for transmission of specific information (Fig. 3, items 301-302; Col. 7, ln. 41-45; The RF Receiver 301 receives a request for a selected channel from the remote control.) and an identifier from one of a plurality of information processing apparatus connected with said information transmission apparatus (Fig. 3, item 301; Col. 7, ln. 24-27; The ID for the remote control used to transmit the request is sent to the RF Receiver 301.), said identifier identifying said information processing apparatus that has made the transmission request (Fig. 3, item 301; Col. 7, ln. 24-27; The ID for the remote control used to transmit the request is sent to the RF Receiver 301.) and said plurality of information processing apparatus having their respective identifiers (Col. 7, ln. 24-27), and for analyzing the specific information to be transmitted and the identifier associated with said instruction (Fig. 3, items 301-302; Col. 7, ln. 24-27 and

38-45; The transmission request is analyzed to determine if any televisions are viewing the selected channel. If so, a count is maintained of how many televisions are viewing the selected channel. If not, a request is made to obtain the selected program from a video server.);

storage means for storing array data indicating a correspondence between one of a plurality of different pieces of information to be transmitted and at least an identifier identifying one of said plurality of information processing apparatus (Col. 7, ln. 38-41; A table maintains information related to a selected channel and the televisions tuned to the selected channel.);

information adding means for adding the identifier associated with said instruction to the specific information associated with said instruction by referring to said storage means based on analysis results from said request analyzing means (Fig. 3, items 301-302; Col. 7, ln. 24-27 and 38-45; [0026]; The transmission request is analyzed to determine if any televisions are viewing the selected channel. If so, a count is maintained in a look-up table of how many televisions are viewing the selected channel.);

information transmission means for transmitting the specific information to which the identifier is added to the information processing device which has provided said instruction to said information transmission apparatus (Fig. 3, items 106 and 309; [0012], ln.

1-5; [0019], ln. 1-8; Col. 8, ln. 11-15; The ONU 106 transmits television programs via the RF Combiner 309.).

Blahut does not necessarily disclose that transmission requests are received by way of a common connection line as claimed. However, this is extremely well known in the art. Additionally, the ONU 106 receives transmission requests from a plurality of remote controls and this may be thought of as a common connection. In fact, wireless communications may be seen as being motivated by the same goal of a single common connection line, that of minimizing the need for hardware. Additionally, devices such as cable splitters exist to enable multiple hookups to a single cable line. The Examiner himself remembers purchasing a cable splitter along with his roommate in college as early back as the Fall semester of 2001. Such a device enables multiple televisions, for example, to be hooked up to a single coaxial connection in a wall, and then multiple television programs can be watched from this single source.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Blahut by using a common connection line to enable a plurality of devices to contact the information transmission apparatus through a minimal amount of connections, for the purpose of eliminating redundant hardware.

Expanding upon this citation of Official Notice, the examiner is here providing explicit support by Magendanz's disclosure of a plurality of displays connected via a single cable (Abstract).

Blahut discloses an array storing data indicating a plurality of different pieces of information to be transmitted and at least an identifier identifying one of said plurality of information processing apparatus (as discussed above), but does not necessarily disclose an array storing such arrays. However, the cable television industry and infrastructure is widespread. If the ONU of Blahut's teachings were utilized, it would be extremely obvious to maintain a plurality. Thus, a plurality of arrays related to selected programs will be maintained across the cable industry and it would be obvious to store information related to these arrays, as arrays are frequently used in the cable and networking industries for the purposes of easy storage and look-up of data.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Blahut by storing array data about arrays as is well known in the art for the purpose of using a standard means of storing and allowing look-up of data on arrays.

It may be interpreted that Blahut does not necessarily disclose the identifier of the televisions being explicitly formed, stored, etc.

However, Cesar discloses an identifier from one of a plurality of information processing apparatus connected with said information transmission apparatus ([0029]), said identifier identifying said information processing apparatus that has made the transmission request ([0005]; [0029]) and said plurality of information processing apparatus having their respective identifiers ([0029]), and for analyzing the specific information to be transmitted and the identifier associated with said instruction ([0008] – [0010]; [0029]);

storage means for storing array data indicating a correspondence between one of a plurality of different pieces of information to be transmitted and at least an identifier identifying one of said plurality of information processing apparatus ([0029]);

information adding means for adding the identifier associated with said instruction to the specific information associated with said instruction by referring to said storage means based on analysis results from said request analyzing means ([0029]);

information transmission means for transmitting the specific information to which the identifier is added to the information processing device which has provided said instruction to said information transmission apparatus ([0029]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Blahut in the aforementioned manner in order to request updates, transmit updates, and track the progress of updates to individual set-top boxes (Cesar: [0029]).

10. As to claim 2, Blahut and Cesar disclose the invention substantially as in parent claim 1, including said request analyzing means receives instructions indicating a request for transmission of identical specific information from two or more of said plurality of information processing apparatus, said information adding means adds two or more identifiers associated with said instructions to the identical specific information associated with said instructions (Blahut: Col. 7, ln. 38-41; The look-up table stores the active number of televisions tuned to a selected channel. Therefore, if two televisions request transmission of the same data, the remote IDs for both are stored in the look-up table.).

11. As to claim 3, Blahut and Cesar disclose the invention substantially as in parent claim 1, including when receiving an instruction indicating a request for transmission of specific information, said request analyzing means adds only an identifier associated with said instruction to said array data if a correspondence between the specific information associated with said instruction and at least one identifier is included in the array data stored in said storage means (Blahut: Abstract, ln. 18-27; Col. 7, ln. 38-41; If a transmission request is received for a selected channel that is already being supplied by the video server to a connected television, the program need not be added to the look-up table, and instead the count of active televisions for the selected channel may be incremented via the addition of

the remote ID for the requesting device.), and adds both identification information identifying the specific information and the identifier, which are associated with said instruction, to said array data if no correspondence between the specific information associated with said instruction and at least one identifier is included in the array data (Blahut: Abstract, ln. 18-27; Col. 7, ln. 38-45; If the selected program is not present in the look-up table, due to no active televisions being tuned to the selected program, a request is made to the video server. Thereafter, the requesting television would be stored in the look-up table as the one active television supplying the selected program; thus the device ID and data ID would be stored in an array.).

12. As to claim 4, Blahut and Cesar disclose the invention substantially as in parent claim 1, including when transmitting two or more of different pieces of specific information, said information transmission means performs time division processing according to a number of different pieces of specific information to be transmitted and then transmit them in units of a predetermined transmission unit time (Fig. 1 and 3; [0020]; it is inherent in the distribution of television programs by a provider that two or more different pieces of information, programs, will be requested and transmitted according to time).

13. As to claim 5, the claim is rejected for reasons similar to claim 4 above.

14. As to claim 6, the claim is rejected for reasons similar to claim 4 above. Television programming is inherently transmitted in frames at a set transmission rate.

15. As to claim 7, the claim is rejected for reasons similar to claim 1 above (see the discussion of wireless, what is well known in the art, and Magendanz's disclosure of a common connection via a single cable). Additionally, Blahut discloses common connection via a single cable (Fig. 1, item 109; [0014], ln. 3-5; Col. 6, ln. 1-2).

16. As to claim 8, the claim is rejected for reasons similar to claim 1 above. Additionally, Blahut discloses a video storage server (Fig. 2, item 201; Col. 5, ln. 49-53).

17. As to claim 9, the claim is rejected for reasons similar to claim 1 above.

18. As to claim 10, the claim is rejected for reasons similar to claim 2 above.

19. As to claim 11, the claim is rejected for reasons similar to claim 3 above.

20. As to claim 12, the claim is rejected for reasons similar to claim 4 above.

21. As to claim 13, the claim is rejected for reasons similar to claim 5 above.
22. As to claims 14-18, the claims are rejected for reasons similar to claim 7 above.

Conclusion

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN P. WHIPPLE whose telephone number is (571)270-1244. The examiner can normally be reached on Mon-Fri (9:30 AM to 6:00 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 2452
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